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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,194	04/20/2006	John Kerr	P17794-US1	2334

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EXAMINER

HO, HUY C

ART UNIT PAPER NUMBER

2617

DATE MAILED: 10/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/539,194

Applicant(s)

KERR ET AL.

Examiner

Huy C. Ho

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 12-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 6/17/2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 6/09/06.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Priority***

Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d).  
The certified copy has been filed in parent Application No. 03001080.5 filed on January 18, 2003.

### ***Information Disclosure Statement***

The information disclosure statement filed on 06/17/2005 and on 06/09/2006 has been received and placed of record in the file.

### ***Preliminary Amendment***

The preliminary amendment filed on 06/17/2005 with the application papers has been received and placed of record in the file.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 12-22, 24-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Klehn et al. (2005/0096056).

Consider **claim 12**, Klehn teaches a method for setting up a connection in a system for mobile telecommunications, wherein the following steps are performed by a first call control node (see figure 1, see par [7], which describes the Mobile switching center MSC is responsible for the mobile communication unit at the time a call was set up):

receiving a call set-up request message comprising an indication of at least two services and an identification of a called party (see figure 1, see pars [3], [4], [7], [14], [16], [25], where Klehn describes the setup request message is a coming call comprising a MS-ISBN (also known as a called number id) and different information elements, one of them contains the call-specific and/or service-specific bearer capability (BC or bearer capability), second information element is referred to the low layer compatibility (LLC) and third information element is HLC as high layer compatibility as different service, thus describing receiving a call set-up request message comprising an indication of at least two services and an identification of a called party),

sending a routing information request message to a database for storing subscriber data, wherein the request comprises an identification of a first of the at least two services, an identification of the called party, and an indication that at least one further routing request message will be sent (see figure 1, pars [4], [13], [14], [16], [25], where Klehn describes the GMSC sends a routing information message SRI comprising the called number MS-ISDN and the service information BC to the HLR which has tasks of determining the location of the mobile communication unit via the MS-ISDN and also determining whether the user is able to use the service requested by the call; also, Klehn discloses a further information including in the routing message is LLC (low layer compatibility) or HLC (high layer compatibility such as facsimile data or telephone characters) being sent along with the bearer capability information BC in the routing message, thus, describing sending a routing information request message to a database for storing subscriber data, wherein the request comprises an identification of a first of the at

least two services, an identification of the called party, and an indication that at least one further routing request message will be sent),

receiving a response message from the database (see pars [15], [25], where the responsible HLR in combination with the VLR (visited Location Register) send back the response message with information of the roaming number MSRN, so, describing receiving a response message from the database),

determining that the response message comprises an indication that the database is adapted to process the indication that at least one further routing info request message will be sent (see pars [13], [14], [25], [26], where Klehn describes the HLR database in communicating with the VLR and further with VMSC (the visited MSC) for processing of further information request message known as Backup, thus Klehn describes determining that the response message comprises an indication that the database is adapted to process the indication that at least one further routing info request message will be sent),

sending a further routing information request message comprising an identification of a further service, and receiving a further response message (see figure 1, see pars [25] and [26], where Klehn describes processing of requesting additional services done by the GMSC in accordance with HLR, VLR, and the VMSC, the additional requested services are speech, Fax, data or a digital multimedia services, thus describing sending a further routing information request message comprising an identification of a further service, and receiving a further response message),

analyzing the received response messages (see pars [15], [25] and [26], where where Klehn describes the responsible HLR in combination with the VLR (visited Location Register) send the response message with information of the roaming number MSRN such as number id and the bearer capability so the GMSC would analyze it, thus describing analyzing the received response messages),

sending or not in dependence of the result of the analysis a call set-up request message to a further call control node (see figure 1, see pars [25] and [26], where Klehn describes the additional

service Backup is sent in an IAM (initial address message), the initial address message or also known as a call setup message, to a Visited MSC, thus describing sending or not in dependence of the result of the analysis a call set-up request message to a further call control node).

Consider **claim 13**, applied to **claim 12**, Klehn describes sending a further routing information request is repeated until a routing information request message is sent for each service indicated in the call set-up message (see pars [15], [19], [21] and [25], where Klehn discloses the GMSC sends in a routing information message to an HLR with the called id MS-ISDN and the bearer capabilities BC request, for further services, the GMSC keeps sending requested messages via the HLR, the VLR with additional information related to the requested service such as the bearer capabilities and phone number id, thus describes sending a further routing information request is repeated until a routing information request message is sent for each service indicated in the call set-up message).

Consider **claim 14**, a method for setting up a connection in a system for mobile telecommunications, wherein the following steps are performed by a database for storing subscriber data:

receiving a routing information request message comprising an identification of a first service, an identification of a called party, and an indication that at least one further routing request message will be sent (see fig 1, pars [3], [4], [25], where Klehn describes HLR receives the SRI (the sending routing information) message from the GMSC, which comprises a id number of the call and a bearer capability, e.g., types of services, thus describing receiving a routing information request message comprising an identification of a first service, an identification of a called party, and an indication that at least one further routing request message will be sent),

checking subscriber data of the called party (see figure 1, par [14], [18], [25], where Klehn discloses HLR checks the subscriber data such as location of the mobile, and the mobile capability of services)

determining that the requested service is permitted for a connection to the called party (see figure 1, par [25], where Klehn discloses HLR has the task of determining whether the user is allowed to use the service being requested by the call, so describing determining that the requested service is permitted for a connection to the called party),

fetching a number for further setting up of the connection towards the called party (see fig 1, pars [25], describing the number is confirmed then through the HLR and ready for connection)

preparing a response message related to the result of the check (see fig 1, see par [25], disclosing a message PLMN-BC is generated regarding the requested information already been checked previously such as the bearer capability of receiving different services and the called id number),

sending the response message comprising the number for further setting up and an indication that the database is adapted to process the indication that at least one further routing info request message will be sent (see figure 1, see par [25], where Klehn discloses HLR sends a response message, an additional information element Backup comprising bearer capabilities which are specific for that call and for the services being requested by that call, this Backup message will be sent in a further request message)

Consider **claim 15**, as applied to **claim 14**, The method recited in claim 14, wherein in response to receiving the further routing information request message, the steps of checking, preparing and sending are performed, and wherein a response message is sent that does not comprise a mobile station roaming number (see figure 1, par [14], [18], [25], where Klehn discloses the further requested message is prepared and sent includes available information relating to the bearer capabilities for services being requested but not the id number).

Consider **claim 16**, as applied to **claim 12**, Klehn discloses that the first call control node is a gateway mobile services switching centre (see figure 1, see par [25]).

Consider **claim 17**, as applied to **claim 12**, Klehn discloses the database is a home location register or a home subscriber server (see fig 1, see par[25]).

Consider **claim 18**, as applied to **claim 12**, Klehn discloses the number is a mobile station roaming number or a forwarded to number (see fig 1, par [25]).

Consider **claim 19**, as applied to **claim 12**, Klehn discloses the routing request message is a send routing information message (see fig 1, par [25]).

Consider **claim 20**, as applied to **claim 12**, Klehn discloses the response message is a send routing information result message (see par [25], where disclosing the response message is the information result related to the called number and the bearer capabilities).

Consider **claim 21**, as applied to **claim 12**, Klehn discloses the call set-up request message is an initial address message (see fig 1, par [25]).

Consider **claim 22**, as applied to **claim 12**, Klehn discloses the further call control node is a mobile services switching centre (see fig1, par [25]).

Consider **claim 24**, as applied to **claim 17**, Klehn discloses the call control node is a gateway mobile services switching centre (see fig 1, par [25]).

Consider **claim 25**, Klehn discloses there exists an HLR in his invention with capable features of receiving a routing information request from the GMSC including the called party id, the bearer capabilities of different services, multiple services such as speech, data or multimedia information are included in the requested services (see figure 1, pars [4], [7], [13], [16], [25] and [26]), therefore, it is clearly inherently there must exists a processing unit that is able to handle these tasks all along during the call connection process, thus Klehn discloses a database for storing subscriber data, comprising a processing unit adapted to process an indication received in a routing information request message indicating that at least one further routing request message will be sent, wherein a mobile station roaming number is fetched and sent only in response to a first routing information request message for a connection and wherein an indication is returned in said response indicating that the database is adapted to handle the received indicator.



Consider **claim 26**, as applied to **claim 19**, Klehn discloses the database is a home location register (see fig 1, par [25]).

Consider **claim 27**, as applied to **claim 19**, Klehn discloses the database is an authentication, authorization and accounting server (see pars [19], [25], where he describes the routing information message is sent to the HLR, which has tasks of identifying the call, determining the location of the user being called, so describing the authentication, determining if the user allowed to use the services, so disclosing a authorization, and responsible for generating response message back to the GMSC, requesting roaming number to the VLR and storing all information for future references such as the user id, the user's bearer capabilities of services, so discloses an accounting server).

Consider **claim 28**, as applied to **claim 19**, Klehn discloses the database is a home subscriber server (see par [14], [15], [25], where Klehn discloses the HLR is used for storing numbers, and associated information about the numbers for future references, so inherently describing the database is a home subscriber server).

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary.

Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of

each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**Claim 23** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Klehn (2005/0096056)** further in view of **Rasanen (2002/0122110)**.

Consider **claim 23**, Klehn does not disclose a call control node comprising: a message generation unit for generating a first routing information request message with an indication of a first service, an identification of a called party and an indicator that at least one further routing request message will be sent, and for generating at least one further routing request message comprising an indication of a second service, even though Klehn clearly describes the method for setting up a connection in a system for a mobile communication by a call control node. In an analogous art, Rasanen teaches a call control node MSC in combined with an Inter Working Function device comprising: a signaling control unit controls a signal processing unit so as to generate the signaling or the signal processing functions during a supplementary call services such as multimedia /phone calls (see figure 1 and 2, numbers 30, 31, 32 and 33, see the abstract, see pars [10] and [41]). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify and incorporate Rasanen's teachings into

Klehn's invention in order to have a message generation unit for generating routing request, identification of a called party and a further routing request message.

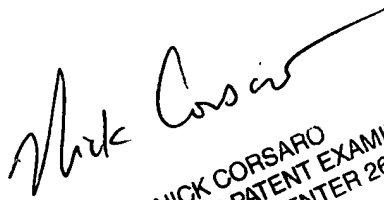
### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy C. Ho whose telephone number is (571) 270-1108. The examiner can normally be reached on Monday - Friday, 8:00 a.m. - 5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on (571) 272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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